

**FORTY-EIGHTH DAY**

(Wednesday, April 4, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

A quorum was announced present.

The Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Reports of Standing Committees**

Senator Strauss submitted the following report:

Austin, Texas,  
March 29, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 225, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass and be not printed; but, that the committee substitute therefor do pass and be printed.

STRAUSS, Chairman

C. S. S. B. No. 225 was read the first time.

Senator Hazlewood submitted the following report:

Austin, Texas,  
April 4, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred S. B. No. 236, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be printed.

HAZLEWOOD, Chairman

Senator Strauss submitted the following reports:

Austin, Texas,  
April 4, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred H. B. No. 51, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

STRAUSS, Chairman

Austin, Texas,  
April 4, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 339, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

STRAUSS, Chairman

**Senate Resolution 133**

Senator Corbin offered the following resolution:

Whereas, Mr. C. J. Murphrey, Vocational Agriculture Teacher in the Seminole High School; Mr. Bill R. Taylor, Assistant County Agent of Gaines County, Texas; Mr. H. M. Cook, Vocational Agriculture Teacher in the Seagraves High School, and Mr. Weldon Revel, Agriculture Teacher in the Loop High School, along with 33 FHA Club members and FFA students from Gaines County, Texas, are visiting in the City of Austin today and are now on an educational tour of the State Capitol; and

Whereas, This group of students and their sponsors are interested in observing the legislative procedures firsthand and are now in the gallery; now therefore, be it

Resolved, By the Senate of the State of Texas, that they be heartily welcomed here today and that a copy of this resolution be forwarded to each of the students and their sponsors.

The resolution was read and was adopted.

#### Senate Resolution 134

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior and Junior Classes of the Texas School for the Blind, accompanied by their teachers, Mrs. L. H. Hancock and Mr. F. G. Taeguard; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

#### Senate Resolution 135

Senator Bracewell offered the following resolution:

Whereas, The students and faculty of the Texas State University for Negroes have on exhibit in the State Capitol during the week of April 2, 1951, an art exhibit of drawings, ceramics, sculpture and paintings; and

Whereas, This art exhibition is composed entirely of the work of the faculty and students of the Texas State University for Negroes; and

Whereas, It is an honor to the State of Texas to have the works of these students and faculty members displayed so that the citizenry of Texas may view the artistic accomplishments of this great State institution; now, therefore, be it

Resolved, By the Senate of Texas, that this body commend this fine exhibit and the efforts of those who made it possible and that copies of this resolution be forwarded to the President of the University and the Chairman of the Board of Directors.

The resolution was read and was adopted.

#### Senate Bill 402 on First Reading

Senator Hudson moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at

this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Shofner

Wagonseller

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Hudson:

S. B. No. 402, A bill to be entitled "An Act fixing the salaries of the District Attorney of the 34th Judicial District, authorizing the Commissioners Courts of the 34th Judicial District to pay or to supplement the salary of the District Attorney paid by the State of Texas in proportion to the percentage of population; and declaring an emergency."

To Committee on Judicial Districts.

#### Senate Bill 403 on First Reading

Senator Martin moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hudson
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Lock
Carney	Martin
Carter	McDonald
Colson	Moffett
Fuller	Moore
Hardeman	Nokes
Hazlewood	Parkhouse

Phillips  
Russell  
Shofner  
Strauss

Tynan  
Vick  
Wagonseller  
Weinert

Absent

Corbin

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Martin:

S. B. No. 403, A bill to be entitled "An Act amending Chapter 482, page 1993, Acts 1936, 44th Legislature, 3rd Called Session, known as Subsection F of Section 12, of Article 5221b of Vernon's Texas Civil Statutes; and repealing all laws in conflict therewith and containing a savings clause, and declaring an emergency."

To Committee on Civil Jurisprudence.

(President in Chair.)

#### Senate Bill 404 on First Reading

Senator Bracewell moved Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Vick
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Bullock	Nokes
McDonald	Russell

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bracewell:

S. B. No. 404, A bill to be entitled "An Act amending Sections 3, 5, 24 and 30 of House Bill 521, Chapter

100, Acts of the Regular Session of the Forty-fourth Legislature, page 255, as amended, known as The Securities Act, so as to add a new subsection to Section 3 thereof and so as to add the words "or association" in subdivision (n), so as to amend Section 5 thereof to correspond with Section 3 thereof as hereby amended, so as to clarify the provisions of Section 24 thereof affecting the power of the Secretary of State to issue cease and desist orders in certain cases, and so as to amend Section 30 thereof so as also to provide that violation of a cease and desist order of the Secretary of State shall be punishable as therein provided; and declaring an emergency."

To Committee on State Affairs.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
April 3, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 123, A bill to be entitled "An Act enlarging Drainage District No. 8 of Jackson County, Texas; setting forth its boundaries as enlarged; creating and establishing said District as enlarged for the purposes for which it was created as set forth in the order of the Commissioners' Court of Jackson County; defining the rights, powers and privileges of District as enlarged; and declaring an emergency."

(With amendment)

S. B. No. 37, A bill to be entitled "An Act assenting to the provisions of Congress entitled 'An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,' approved August 9, 1950; and declaring an emergency."

(With amendment)

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 210 and House appointed the following: Sadler, Hinson, Fenoglio, Kilgore, Rutherford.

S. B. No. 76, A bill to be entitled "An Act authorizing the appointment,

by the District Attorney of the 79th Judicial District, of an Assistant District Attorney and an investigator in the 79th Judicial District, fixing the compensation of said investigator and assistant and providing for the manner in which same shall be paid, providing for the powers and duties of said assistant and investigator; authorizing said investigator to serve as probation officer in the 79th Judicial District, containing a saving clause and declaring an emergency."

(With amendments)

S. B. No. 118, A bill to be entitled "An Act providing for the recording of certain contracts and agreements of agencies or political subdivisions of the State government; containing a repealing clause; and declaring an emergency."

(With amendment)

S. B. No. 141, A bill to be entitled "An Act creating 'North Texas Municipal Water District,' a Conservation District under Article XVI, Section 59, of the Constitution, comprising the territory contained within the cities of Garland, Princeton, Plano, Mesquite, Wylie, Rockwall, Farmersville, McKinney and Forney, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same; providing for the annexation of additional territory thereto; providing for a board of directors for the government of said district; authorizing the district to do all things necessary to make available for municipal and industrial uses, the water from Lavon Dam and Reservoir now being constructed by the United States Government on the East Fork of the Trinity River pursuant to such rights as the district may acquire in such reservoir, water from underground sources, and water it may obtain by purchase, lease and operation contracts with cities, persons, firms, corporations and public agencies and agencies of the United States Government; permitting sale of surplus water for irrigation purposes; authorizing the issuance of bonds and providing for the payment and security thereof; prescribing conditions under which cities may withdraw from the district; making applicable to the district Title 52 relating to eminent domain and certain general laws relating to water control and improvement districts; prescribing other powers of the district; enacting other

provisions relating to the subject; and declaring an emergency."

(With amendments)

H. B. No. 366, A bill to be entitled "An Act providing that the Commissioners Court of any County in the State may enter into contracts for the accomplishment of plans and programs for flood control and soil conservation with the Federal Soil Conservation Service, State Soil Conservation Districts, State Extension Service, Conservation and Reclamation Districts, Drainage Districts, Water Control and Improvement Districts, Navigation Districts, Flood Control Districts, Levee Improvement Districts and Municipal Corporations, as provided in Sec. 5, Chapter 464, Acts of 51st Legislature, 1949, and the responsibility for carrying out such plans and the expenditure of joint or pooled funds of the County, and such agencies, districts and municipal corporations may be divided between the parties or delegated to either the County or to one or more of said agencies, districts, and municipal corporations for a specified period or until certain plans or programs are accomplished; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Bills and Resolution Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolution:

H. B. No. 26, A bill to be entitled "An Act providing that authority is conferred on Bexar County to adopt a 'Home Rule Charter' in accordance with the provisions of Section 3 of Article IX of the Constitution of the State of Texas by a favoring vote of the resident qualified electors of said county; and declaring an emergency."

H. B. No. 267, A bill to be entitled "An Act authorizing the Commissioners' Court of any county which has or may hereafter provide for exhibits or the erection of certain buildings or improvements, to enter into contracts for conducting, maintenance, use, operation, management and lease thereof on such terms as may be agreeable to the court, permitting the use thereof for any useful public purpose beneficial to the

county and its citizens; authorizing the Commissioners' Court to determine and provide for the manner in which the income and revenue derived from the operation thereof shall be used; and declaring an emergency."

H. B. No. 235, A bill to be entitled "An Act providing that whenever bonds are hereafter voted and issued by school districts for the purchase, construction, repair and equipment of public free school buildings within the limits of such districts and the purchase of necessary sites therefor, the bond proceeds may be used to pay the cost of acquiring, laying, and installing pipes or lines to connect with the water, sewer, or gas lines of an incorporated city or town or other municipal corporation, or private utility company, so that the school district may afford its public free school buildings of the water, sewer, or gas services offered by such city, town, or other municipal corporation, or private utility company; and declaring an emergency."

H. B. No. 172, A bill to be entitled "An Act fixing the salaries of the district attorney, first assistant district attorney, assistant district attorneys and investigators of the 53rd Judicial District Court of this State; authorizing the Commissioners Court of the 53rd Judicial District to supplement the salaries of the district attorney and first assistant district attorney paid by the State of Texas, etc.; and declaring an emergency."

H. B. No. 389, A bill to be entitled "An Act making it unlawful to use any seine or net in the public fresh waters of Gonzales County for the purpose of catching or taking any fish; providing an exception, etc.; and declaring an emergency."

H. B. No. 331, A bill to be entitled "An Act providing an open season for the taking and killing of javelina in Live Oak County; providing for approval by County Commissioners Court before this Act shall become effective; and declaring an emergency."

H. B. No. 347, A bill to be entitled "An Act amending Chapter 355, Acts of 1945, 49th Legislature, Regular Session, as amended by Chapter 457, Acts of 1947, 50th Legislature, Regular Session, so as to authorize Dallas County Flood Control District

to issue bonds, and declaring an emergency."

H. B. No. 253, A bill to be entitled "An Act authorizing Road District Number 4 of Nueces County to purchase, own, operate, maintain, repair and improve the existing causeway, bridges, and ferries between the City of Aransas Pass and the City of Port Aransas and to pay the cost of acquiring, repairing and improving same from the proceeds of bonds heretofore or hereafter voted and issued under Section 52, Article III of the Constitution; vesting the management and control of the causeway, bridges, and ferries in the Commissioners' Court of Nueces County and requiring said Court to charge and collect fees, charges, and tolls for the use of same, etc., and declaring an emergency."

H. B. No. 273, A bill to be entitled "An Act amending Article 6243f of Chapter 2, Title 109, of the Revised Civil Statutes of the State of Texas, as adopted in 1941, 47th Legislature, page 134, Chapter 105, relating to pensions for policemen, firemen and fire alarm operators in cities having population of two hundred thousand (200,000) to two hundred ninety-three thousand (293,000); providing for a Board of Trustees; the powers and duties of the board, etc.; and declaring an emergency."

H. B. No. 278, A bill to be entitled "An Act amending Article 1934A-14 of the Revised Civil Statutes relating to the County Judges authorizing a stenographer or clerk in any county having a population of not more than ten thousand one hundred (10,100) and not less than ten thousand and fifty (10,050) inhabitants according to the last preceding Federal Census of 1950; regulating the salary of the same; providing for payment of salary; providing for removal; and declaring an emergency."

H. C. R. No. 11, Authorizing Marcus Hickerson to sue the State and North Texas State College of Texas.

#### Senate Resolution 136

Senator Corbin offered the following resolution:

Whereas, Mr. Bob Crowell, Manager of the Chamber of Commerce of Littlefield, Texas, Mr. Harry Kline, Chairman of the Agriculture

Committee of the Littlefield Chamber of Commerce, Mr. David Eaton, County Agricultural Agent, Lamb County, Amherst, Texas, Mr. Bill Rogers, Assistant County Agent of Lamb County, Amherst, Texas, and Mr. W. W. Hall, Vocational Agriculture Teacher, Littlefield, Texas, and Mr. Bills, Mr. Cunningham and Mr. Scarborough, Sponsors, of Lamb County, Texas, along with 29 boys, winners of Lamb County 4H Club and FFA contests in livestock, are in the City of Austin today and are now on an educational tour of the State Capitol; and

Whereas, This group of students and their sponsors are interested in observing the legislative procedures firsthand and are now in the gallery; now, therefore, be it

Resolved, By the Senate of the State of Texas, that they be heartily welcomed here today and that a copy of this resolution be forwarded to each of the students and their sponsors.

The resolution was read and was adopted.

#### Senate Resolution 137

Senator Wagonseller offered the following resolution:

Whereas, We are honored today to have in the gallery Mayor Lawrence Santi and Mr. John Franks of Mingus, and

Whereas, These gentlemen are outstanding citizens, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

#### Bill Re-referred

On motion of Senator Strauss, and by unanimous consent H. B. No. 512 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Banking.

#### House Bill 195 on Second Reading

On motion of Senator Fuller, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 195, A bill to be entitled "An Act creating an additional District Court, with civil jurisdiction only, in and for Hardin, Liberty, Tyler, and Chambers Counties, to be known as the 88th District Court; adjusting the business of the 75th District Court to the business thereof; providing for the appointment of a District Judge therefor; providing for a clerk; providing for the appointment of an official shorthand reporter and fixing his salary; fixing the terms of the 88th District Court created hereby; providing for the transfer of civil cases between said courts and for the exchange of benches; making an appropriation; repealing all laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 195 on Third Reading

Senator Fuller moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 195 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Lane
Bracewell	Lock
Bell	Martin
Ashley	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

#### Absent

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Ashley	Bracewell
Bell	Bullock

Carney	Moffett
Carter	Moore
Colson	Nokes
Corbin	Parkhouse
Fuller	Phillips
Hardeman	Russell
Hazlewood	Shofner
Hudson	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Wagonseller
Martin	Weinert
McDonald	

Nays—1

Aikin

Absent

Lock

**House Bill 18 on Second Reading**

Senator Hazlewood asked unanimous consent to suspend the regular order of business and that H. B. No. 18 be laid out for consideration at this time.

There was objection.

Senator Hazlewood then moved to suspend the regular order of business and that H. B. No. 18 be laid out for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Martin
Bullock	Moffett
Carney	Nokes
Carter	Phillips
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Hardeman	Vick
Hazlewood	Wagonseller
Kelley of Hidalgo	Weinert

Nays—6

Aikin	Moore
Hudson	Parkhouse
McDonald	Russell

Absent

Lock

The President laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 18, A bill to be entitled "An Act to clarify and amend the Laws of Texas relating to Optometry, by amending Articles 4561, 4562,

4565 and 4565a of the Revised Civil Statutes of Texas, 1925, as amended, and Article 735 of the Penal Code of Texas, 1925; providing for registration and display of license; prescribing examination fee and renewal fee and disbursement thereof; defining terms; specifying acts constituting penal offenses in connection with the practice of Optometry and providing penalty therefor; declaring legislative intent; repealing all laws and parts of laws in conflict with this Act and declaring that the remainder of the Act shall not be affected by the unconstitutionality of any part thereof; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following committee amendment to the bill:

Amend H. B. No. 18 by striking out the first two sentences of Art. 4565 under Sec. 3 of the bill and inserting in lieu thereof the following:

"The Board shall charge a fee of Twenty-five Dollars (\$25.00) for examining an applicant for license, which fee must accompany the application. If the applicant who, because of failure to pass the examination, be refused a license, he shall be permitted to take a second examination upon payment of Twelve Dollars and Fifty Cents (\$12.50), provided the second examination is taken within a period of one (1) year."

The committee amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend House Bill 18, Section 3 thereof, by adding a new paragraph immediately preceding the last paragraph in said section, immediately following the words "for payment" and immediately before the words "on August thirty-first," which shall read as follows:

"The Secretary of the Board shall receive compensation to be set by the Board exclusive of necessary expenses in the performance of his duties."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 18, Section 3, Article 4565, by substituting the words and figures Fifteen (\$15)

where the words and figures Twenty-five (\$25) may appear.

The amendment was adopted.

On motion of Senator Hazlewood and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to third reading.

#### House Bill No. 18 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote.

#### Yeas—26

Ashley	Lane
Bell	Martin
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Phillips
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hazlewood	Vick
Hudson	Wagonseller
Kelley of Hidalgo	Weinert

#### Nays—4

Aikin	McDonald
Lock	Parkhouse

#### Absent

Kelly of Tarrant

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—27

Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Martin
Carney	Moffett
Carter	Moore
Colson	Nokes
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Kelley of Hidalgo	Tynan

Vick	Weinert
Wagonseller	

#### Nays—4

Aikin	McDonald
Hudson	Parkhouse

#### Senate Bill 37 With House Amendments

Senator Kelly of Tarrant called S. B. No. 37 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kelly of Tarrant moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Bill 123 With House Amendments

Senator Bell called S. B. No. 123 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Bell moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Nokes
Bullock	Parkhouse
Carney	Phillips
Carter	Russell
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Hazlewood	Vick
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Lane	

#### Absent

Hardeman	Lock
Kelly of Tarrant	Moore

#### Senate Bill 76 With House Amendments

Senator Kelley of Hidalgo called S. B. No. 76 from the President's

table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kelley of Hidalgo moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

**Yeas—25**

Ashley	McDonald
Bell	Moore
Bracewell	Nokes
Bullock	Parkhouse
Carney	Phillips
Carter	Russell
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Hazlewood	Vick
Kelley of Hidalgo	Wagonseller
Lane	Weinert
Martin	

**Nays—3**

Aikin	Moffett
Hudson	

**Absent**

Hardeman	Lock
Kelly of Tarrant	

**House Bill 43 on Second Reading**

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 43, A bill to be entitled "An Act applying to political parties whose nominees for Governor in the last preceding election received as many as ten thousand (10,000) votes and less than two hundred thousand (200,000) votes; providing for determining the hour and places for holding precinct and county conventions; providing for posting of notices and the filing of notices in connection therewith; providing penalties for failure so to do; providing for certificates for the County Clerk in connection with such filing or non-filing; providing a time during which the County Chairman may not appoint Precinct Chairman; providing for precinct conventions in case of failure to determine hour and places, and post, and file notices therefor;

providing that the County Conventions shall be held in a public place at the County seat; providing a method for determining representation of the various counties, etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

Senators Kelley of Hidalgo and Bell asked to be recorded as voting "nay" on the passage of H. B. No. 43 to third reading.

**Motion To Place House Bill 43 on Third Reading**

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 43 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths votes of the members present):

**Yeas—23**

Aikin	Lane
Ashley	Lock
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Tynan
Hardeman	Wagonseller
Hudson	Weinert
Kelly of Tarrant	

**Nays—8**

Bell	Moore
Hazlewood	Shofner
Kelley of Hidalgo	Strauss
Martin	Vick

**House Bill 57 on Second Reading**

On motion of Senator Vick and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 57, A bill to be entitled "An Act amending Article 5139 of the Revised Civil Statutes of Texas, 1925, as amended, providing for County Juvenile Boards in certain counties; providing for severability; providing that this Act shall be cumulative of existing law; and declaring an emergency."

The bill was read second time and was passed to third reading.

### House Bill 57 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 57 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

#### Absent

Hazlewood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### House Bill 11 on Second Reading

Senator Bullock asked unanimous consent to suspend the regular order of business and that H. B. No. 11 be laid out for consideration at this time.

There was objection.

Senator Bullock then moved to suspend the regular order of business and that H. B. No. 11 be laid out for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—22

Aikin	Kelly of Tarrant
Bullock	Lane
Carter	Lock
Colson	Martin
Hardeman	McDonald
Hazlewood	Moffett
Hudson	Moore

Nokes	Shofner
Parkhouse	Tynan
Phillips	Wagonseller
Russell	Weinert

#### Nays—9

Ashley	Fuller
Bell	Kelley of Hidalgo
Bracewell	Strauss
Carney	Vick
Corbin	

The President laid before the Senate H. B. No. 11 on its second reading and passage to third reading. (The bill having been read second time on Wednesday, March 28, 1951, with an amendment by Senator Lane pending.)

Question—Shall the amendment by Senator Lane be adopted.

#### Recess

Senator Aikin moved the Senate stand recessed until 2:30 o'clock p. m. today.

Senator Carney moved the Senate stand recessed until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Carney, it was lost by the following vote:

#### Yeas—13

Ashley	Nokes
Bell	Russell
Carney	Shofner
Corbin	Strauss
Fuller	Tynan
Kelley of Hidalgo	Vick
Lane	

#### Nays—17

Aikin	Martin
Bracewell	McDonald
Bullock	Moffett
Carter	Moore
Colson	Parkhouse
Hardeman	Phillips
Hudson	Wagonseller
Kelly of Tarrant	Weinert
Lock	

#### Absent

Hazlewood

Question next recurring on the motion of Senator Aikin, it prevailed.

Accordingly, the Senate at 12:10 o'clock p. m. took recess until 2:30 o'clock p. m. today.

## After Recess

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

## House Bill 11 on Second Reading

The Senate resumed consideration of pending business, same being H. B. No. 11 on its second reading and passage to third reading, with an amendment by Senator Lane pending.

Question—Shall the amendment by Senator Lane be adopted?

The amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend H. B. No. 11 by adding at the end of Section 1 the following:

"The provisions of this section requiring the unloading of cargo and restricting the movement of the vehicle carrying the same shall not apply to vehicles loaded exclusively with United States Government cargo and moving under government bills of lading."

The amendment was lost by the following vote:

## Yeas—15

Aikin	Kelley of Hidalgo
Ashley	Lane
Bullock	Moffett
Carney	Nokes
Corbin	Russell
Fuller	Shofner
Hardeman	Weinert
Hazlewood	

## Nays—16

Bell	McDonald
Bracewell	Moore
Carter	Parkhouse
Colson	Phillips
Hudson	Strauss
Kelley of Tarrant	Tynan
Lock	Vick
Martin	Wagonseller

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend House Bill No. 11 by adding a new sentence at the end of Section 1, reading as follows:

"Provided further, however, if such load consists of fresh fruits or fresh vegetables, then such owner or operator shall be permitted to proceed to the nearest terminal, having facilities for storage for the type of

cargo being transported, before being required to discharge said excess cargo."

Senator Bullock moved to table the amendment.

The motion to table prevailed by the following vote:

## Yeas—17

Aikin	McDonald
Bullock	Moffett
Carter	Moore
Colson	Parkhouse
Hardeman	Phillips
Hudson	Tynan
Kelley of Tarrant	Vick
Lane	Wagonseller
Martin	

## Nays—12

Ashley	Hazlewood
Bell	Kelley of Hidalgo
Bracewell	Nokes
Carney	Russell
Corbin	Shofner
Fuller	Strauss

## Absent

Lock

Weinert

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend Section 1 of House Bill No. 11 by substituting a "semicolon" for the "period" following the last word in the next to the last sentence of said Section 1 and inserting between that semicolon and the last sentence of said Section 1, the following: "and provided further, however, that if such load consists of liquid commodities being transported in bulk in tank trucks then such operator shall be permitted to proceed for the purpose of weighing said vehicle and load, where portable scales are not available for weighing on the spot, to the nearest available scales in the direction of destination; and if the vehicle and the load be found to exceed the maximum gross weight or axle load authorized by law, then such operator shall be permitted to proceed to the nearest bulk station in the direction of destination where facilities for unloading and the care of such commodity or commodities are available to discharge said excess load; and if no such facilities for unloading and care of the commodity are available, he shall be permitted to proceed to destination."

Pending discussion of the amendment, Senator Moffett occupied the Chair temporarily.

(President in Chair)

Senator Bullock moved to table the amendment.

The motion to table prevailed by the following vote:

**Yeas—19**

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Parkhouse
Colson	Russell
Hardeman	Tynan
Hudson	Wagonseller
Kelly of Tarrant	Weinert
Lane	

**Nays—10**

Bell	Kelley of Hidalgo
Carney	Lock
Corbin	Nokes
Fuller	Shofner
Hazlewood	Strauss

**Absent**

Phillips	Vick
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Senator Martin offered the following amendment to the bill:

Amend House Bill No. 11 by striking out the first paragraph and by substituting therefore the following:

Section 1. That Section 6, Chapter 42, General Laws, Acts Second Called Session, Forty-first Legislature, as amended by Section 4, Chapter 71, General Laws, Acts Regular Session, Forty-seventh Legislature, be and the same is hereby amended so as to read hereafter as follows:

The amendment was adopted.

Senator Martin offered the following amendment to the bill:

Amend House Bill 11 by striking out all above the enacting clause and substituting therefor the following:

**A BILL**

**TO BE ENTITLED**

"An Act to amend Section 6, Chapter 42, General Laws, Acts Second Called Session, Forty-first Legislature, as amended by Section 4, Chapter 71, General Laws, Acts Regular Session, Forty-seventh Legislature; repealing all laws and parts of laws in conflict

herewith to the extent of such conflict only; declaring the provisions of this Act to be severable; and declaring an emergency."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend H. B. 11, by adding a new paragraph, properly numbered which shall read as follows:

"The State Highway Engineer and such officers, agents and employees of the State Highway Department as he may designate, are hereby designated peace officers for the enforcement of all laws, the administration of which is vested in the State Highway Department. The powers of the State Highway Engineer, officers, agents and employees as peace officers are strictly limited to the enforcement of motor vehicle laws and regulations, and within such limits shall be co-extensive with the like authority of regular peace officers of the state, counties or municipalities thereof, and may be exercised throughout the state."

Senator Hudson raised the point of order on the amendment that under Section 30 of Article III of the State Constitution, the amendment was not germane to the purpose of the bill.

The President sustained the point of order.

Senator Ashley offered the following amendment to the bill:

Amend H. B. 11 by adding at the end of Section 1 the following:

"The maximum gross weight or axel load' referred to above is hereby defined to be as follows:

"Except as otherwise provided by law, no commercial motor vehicle, truck-tractor, trailer or semi-trailer, nor combination of such vehicles, shall be operated over, on, or upon the public highways outside the limits of an incorporated city or town, where the total weight on a single axle or any group of axles exceeds the weight limitations adopted April 1, 1946, by the 'American Association of State Highway Officials,' set forth below in Subsections (a) and (b):

"(a) PERMISSIBLE LOADS—No axle shall carry a load in excess of 18,000 pounds.

"(An axle load shall be defined as the total load transmitted to the

road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.)

“(b) No group of axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot:

Distance in feet between the extremes of any group of axles	Maximum load in pounds carried on any group of axles
4 .....	32,000
5 .....	32,000
6 .....	32,000
7 .....	32,000
8 .....	32,610
9 .....	33,580
10 .....	34,550
11 .....	35,510
12 .....	36,470
13 .....	37,420
14 .....	38,360
15 .....	39,300
16 .....	40,230
17 .....	41,160
18 .....	42,080
19 .....	42,990
20 .....	43,900
21 .....	44,800
22 .....	45,700
23 .....	46,590
24 .....	47,470
25 .....	48,350
26 .....	49,220
27 .....	50,090
28 .....	50,950
29 .....	51,800
30 .....	52,650
31 .....	53,490
32 .....	54,330
33 .....	55,160
34 .....	55,980
35 .....	56,800
36 .....	57,610
37 or over .....	58,420

“(c) The weights set forth in column two of the above table shall constitute the maximum permissible gross weight for any such vehicle or combination of such vehicles.

“(c) Provided, however, the gross weight permitted by the foregoing table shall be subject to the following restrictions and limitations:

“(No such vehicle nor combination of vehicles shall have a greater weight than six hundred (600) pounds per inch width of tire upon any wheel concentrated upon the sur-

face of the highway and using high-pressure tires, and a greater weight than six hundred and fifty (650) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using low-pressure tires, and no wheel shall carry a load in excess of eight thousand (8,000) pounds on high-pressure tires and nine thousand (9,000) pounds on low-pressure tires, nor any axle a load in excess of sixteen thousand (16,000) pounds on high-pressure tires, and eighteen thousand (18,000) pounds on low-pressure tires. The total gross weight concentrated on the highway surface from any tandem axle group shall not exceed thirty-two thousand (32,000) pounds for each such tandem axle group. ‘Tandem axle group’ is defined to be two or more axles spaced forty (40) inches or more apart from center to center having at least one common point of weight suspension.”

Senator Hudson raised and submitted in writing the following point of order on the amendment:

Mr. President, I respectfully raise the point of order that the Ashley amendment offered is not germane to the bill before the Senate and is in violation of Section 30 of Art. 3 of the Constitution.

The President sustained the point of order and ruled that the amendment was in violation of Section 30 of Article III of the State Constitution and Senate Rule 36, for the reason that it is directed to a different section of the original Motor Carrier Act than the section to which the bill is directed, and therefore is not germane.

Senator Strauss offered the following amendment to the bill:

Amend House Bill No. 11, by adding the following at the end of Sec. 6 which is contained in Section 1 thereof:

“Provided, however, that any combination of commercial motor vehicles consisting of a truck-tractor and semi-trailer or any combination of such vehicles not exceeding 45 feet in length, the semi-trailer of which is a tank semi-trailer used for the transportation of liquids in bulk, which were registered with the State Highway Department to operate over the public highways of Texas during the calendar year of 1950 and in 1951

prior to March 31st, 1951, are exempted from the provisions of this section for a period of six months from the effective date of this Act, provided no single axle shall carry a load in excess of 18,000 pounds and no tandem axle shall carry a load in excess of 32,000 pounds."

The amendment was adopted.

Senator Ashley offered the following amendment to the bill:

Amend House Bill No. 11 by adding a new section thereto following Section 1 to be known as Section 1a to read as follows:

"Sec. 1a. Provided, however, that the provisions of this Act shall not apply to motor vehicles complying with the following:

"A. Except as otherwise provided by law, no commercial motor vehicle, truck-tractor, trailer or semi-trailer, nor combination of such vehicles, shall be operated over, on, or upon the public highways outside the limits of an incorporated city or town, where the total weight on a single axle or any group of axles exceeds the weight limitations adopted April 1, 1946, by the "American Association of State Highway Officials," set forth below in Subsections (a) and (b):

"(a) PERMISSIBLE LOADS—No axle shall carry a load in excess of 18,000 pounds.

"(An axle load shall be defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.)

"(b) No group of axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot.

Distance in feet between the extremes of any group of axles	Maximum load in pounds carried on any group of axles
4 .....	32,000
5 .....	32,000
6 .....	32,000
7 .....	32,000
8 .....	32,610
9 .....	33,580
10 .....	34,550
11 .....	35,510
12 .....	36,470

13 .....	37,420
14 .....	38,360
15 .....	39,300
16 .....	40,230
17 .....	41,160
18 .....	42,080
19 .....	42,990
20 .....	43,900
21 .....	44,800
22 .....	45,700
23 .....	46,590
24 .....	47,470
25 .....	48,350
26 .....	49,220
27 .....	50,090
28 .....	50,950
29 .....	51,800
30 .....	52,650
31 .....	53,490
32 .....	54,330
33 .....	55,160
34 .....	55,980
35 .....	56,800
36 .....	57,610
37 or over .....	58,420

"The weights set forth in column two of the above table shall constitute the maximum permissible gross weight for any such vehicle or combination of such vehicles.

"(c) Provided, however, the gross weight permitted by the foregoing table shall be subject to the following restrictions and limitations:

"No such vehicle nor combination of vehicles shall have a greater weight than six hundred (600) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using high-pressure tires, and a greater weight than six hundred and fifty (650) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using low-pressure tires, and no wheel shall carry a load in excess of eight thousand (8,000) pounds on high-pressure tires and nine thousand (9,000) pounds on low-pressure tires, nor any axle a load in excess of sixteen thousand (16,000) pounds on high-pressure tires, and eighteen thousand (18,000) pounds on low-pressure tires. The total gross weight concentrated on the highway surface from any tandem axle group shall not exceed thirty-two thousand (32,000) pounds for each such tandem axle group. 'Tandem axle group' is defined to be two or more axles spaced forty (40) inches or more apart from center to center having at least one common point of weight suspension."

Senator Hudson raised and submitted in writing the following point of order against the amendment:

Mr. President, I respectfully raise the point of order that the Ashley amendment is not germane to H. B. 11 for the reason that it changes the purpose of the said H. B. 11 as prohibited by Senate Rule 36 and Sec. 30 of Art. 3 of the Constitution of the State of Texas.

Senator Weinert raised the additional point of order against the Ashley amendment that the Senate has already adopted an amendment on the same subject covered by the Ashley amendment and that the Ashley amendment is contrary in its terms and directly conflicting with the terms of the amendment previously adopted.

The President sustained the point of order by Senator Weinert, on the grounds that the amendment is directly contrary to and includes the same subject matter as Committee Amendment No. 2.

Senator Carney offered the following amendment to the bill:

Amend House Bill No. 11 by adding the following in Section 6, at the end of line 23: "except motor vehicles engaging in the hauling of logs."

CARNEY  
LOCK  
COLSON  
LANE

The amendment was adopted by the following vote:

#### Yeas—18

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Moore
Carney	Nokes
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Kelley of Hidalgo	Strauss

#### Nays—12

Bullock	McDonald
Carter	Moffett
Hardeman	Parkhouse
Hazlewood	Tynan
Hudson	Wagonseller
Martin	Weinert

#### Absent

Vick

Senator Carney offered the following amendment to the bill:

Amend H. B. No. 11 by striking out the words "or any sheriff or his duly authorized deputy" in Sec. 6, lines 21 and 22.

On motion of Senator Bullock, the amendment was tabled by the following vote:

#### Yeas—16

Ashley	McDonald
Bracewell	Moffett
Bullock	Moore
Carter	Parkhouse
Hardeman	Phillips
Hazlewood	Russell
Hudson	Wagonseller
Martin	Weinert

#### Nays—14

Aikin	Kelly of Tarrant
Bell	Lane
Carney	Lock
Colson	Nokes
Corbin	Shofner
Fuller	Strauss
Kelley of Hidalgo	Tynan

#### Absent

Vick

Senator Strauss offered the following amendment to the bill:

Amend H. B. No. 11 by adding a new section to read as follows:

"No scales bearing a seal or any inscription or markings showing that they are the property of any railroad company may be used to weigh vehicles as provided for in this Act."

The amendment was adopted.

On motion of Senator Bullock and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to third reading.

Senators Kelley of Hidalgo and Corbin asked to be recorded as voting "nay" on the passage of H. B. No. 11 to third reading.

#### House Bill 11 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelly of Tarrant	Wagonseller
Lane	Weinert

**Nays—3**

Corbin	Vick
Kelley of Hidalgo	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Votes**

Senators Kelley of Hidalgo, Corbin, Hazlewood and Carney asked to be recorded as voting "nay" on final passage of H. B. No. 11.

**Message From the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 4, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 232, A bill to be entitled "An Act authorizing the Commissioners' Courts of certain counties having a population of not less than thirty thousand (30,000) nor more than three hundred and seventy-five thousand (375,000) inhabitants according to the last preceding Federal Census to establish county law libraries; authorizing the collection of a fee in civil suits except suits for delinquent taxes for such purpose; prescribing certain duties of the clerks of the respective courts in certain counties; providing for the creation of a fund to be known as the 'County Law Library Fund'; repealing House Bill 241, Chapter 58,

Acts of the Fifty-first Legislature, Regular Session, 1949; and declaring an emergency."

H. B. No. 315, A bill to be entitled "An Act amending Section 2 of Senate Bill 481, Acts 42nd Legislature, Regular Session, 1931, Chapter 185, concerning the sale and patenting of lands acquired from the State of Oklahoma, abolishing the Special Land Board created therein and transferring its rights and duties to the General Land Office and declaring an emergency."

H. B. No. 316, A bill to be entitled "An Act to amend Section 1 of Senate Bill 504, Acts 45th Legislature, Regular Session, 1937, Chapter 352, concerning the leasing of land at Camp Hulen, abolishing the Camp Hulen Lease Board therein created and transferring its rights and duties to the National Guard Armory Board and declaring an emergency."

H. B. No. 360, A bill to be entitled "An Act to amend Section 12a, Chapter 88, Acts 1929, Forty-first Legislature, providing for fees derived from the issuance of duplicate license receipts to be retained by the office issuing same as a fee of office; also providing a savings clause, repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 363, A bill to be entitled "An Act to amend Section 5, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, as amended by Section 2, Chapter 425, Acts 1947, Fiftieth Legislature providing for the elimination of the registration fee on sidecars; also providing a savings clause, repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 373, A bill to be entitled "An Act changing the name of the State Tuberculosis Sanatorium, so as to be hereinafter known as the McKnight State Sanatorium; and declaring an emergency."

H. B. No. 374, A bill to be entitled "An Act changing the name of the Texas State School for Cerebral Palsied, so as to be hereinafter known as the Moody State School for Cerebral Palsied Children; and declaring an emergency."

H. B. No. 375, A bill to be entitled "An Act providing for the deposit and investment of inmates funds,

under the jurisdiction and control of superintendents of the various institutions under control of the Board for Texas State Hospitals and Special Schools; providing for a procedure of disposition of such funds and/or property; and declaring an emergency."

H. B. No. 387, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to reinstate sales of lands in Terrell County heretofore sold and forfeited prior to September 1, 1945, and on which applications for reinstatement and payment of delinquent interest has been made to the General Land Office prior to March 5, 1951, and on which there are no intervening rights of third persons, and declaring an emergency."

H. B. No. 411, A bill to be entitled "An Act amending Section 69, Article VII of Senate Bill 172, Chapter 421, Acts of the Fiftieth Legislature, Regular Session, 1947, being the Uniform Act Regulating Traffic on Highways, so as to require that certain vehicles be equipped with signal lamps or mechanical signal devices; requiring the giving of stop or turn signals by a signal lamp or lamps or mechanical signal devices approved by the Texas Department of Public Safety in the operation of certain motor vehicles or motor vehicle combinations under certain conditions; and declaring an emergency."

H. B. No. 436, A bill to be entitled "An Act to repeal Senate Bill 50, Acts 49th Legislature, Regular Session, 1945, Chapter 68, concerning the State Board of School Safety Supervision and minimum standards for school buildings."

H. B. No. 437, A bill to be entitled "An Act to repeal Article 2605, Revised Civil Statutes of Texas, 1925, concerning a board of visitors to attend the annual examinations at the University and its branches."

H. B. No. 520, A bill to be entitled "An Act authorizing the State Board of Control to allow the board of trustees of any school district to purchase privately owned or contracted school buses now in operation in the transportation of school children; providing that the Board of Control shall determine the purchase price of such purchase; providing this Act shall not be construed to prohibit private owners from selling their

buses on the open market; providing that this Act shall be cumulative of Article 634 (B) of Chapter 3, Title 20, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 521, A bill to be entitled "An Act providing for and authorizing the appointment of an official shorthand reporter for the County Court of Gregg County, Texas; fixing the compensation of the reporter; authorizing the County Judge of Gregg County to appoint such reporter; and declaring an emergency."

H. B. No. 554, A bill to be entitled "An Act authorizing certain cities, which have heretofore annexed or hereafter may annex territory within certain Water Control and Improvement Districts, to purchase the assets and properties of said districts; to assume all of the debts, liabilities and obligations of said districts in payment thereof; to assume, discharge and perform the services and functions of said districts; to issue refunding bonds or bonds for the purpose of paying or refunding the obligations of said districts; providing for the levy and collection of a tax to pay such obligations; authorizing the sale of their assets and properties to such cities by such districts; providing for an election in and the abolishment of such districts; creating a water board in said cities; prescribing the duties and powers of such board; reciting a saving clause, and declaring an emergency."

H. B. No. 556, A bill to be entitled "An Act amending Sections 7 and 13 of House Bill 144, Acts 45th Legislature, Regular Session, 1937, Chapter 478, as amended, so as to remove the necessity of the Secretary of State to maintain a Register of Architects; and declaring an emergency."

H. B. No. 587, A bill to be entitled "An Act amending the Texas Liquor Control Act, as amended, so as to give the Board the power to adopt rules and regulations relative to the manner and method of collecting taxes on wine, including the power to determine whether or not stamps shall be affixed to the containers; providing for the possession and sale of wine without tax stamps being affixed to the containers, if such tax has been paid and other laws complied with; repealing laws in con-

flict herewith; fixing an effective date for this Act; and declaring an emergency."

H. B. No. 677, A bill to be entitled "An Act to authorize the County Clerk and the Assessor and Collector of Taxes in all counties having a population of Eight Hundred Thousand or more, according to the last preceding Federal Census, after the expiration of one year from their expiration date, to destroy all expired beer licenses, applications, and copies of notices which were issued in connection with such application, and declaring an emergency."

H. B. No. 685, A bill to be entitled "An Act to amend Article 2350, Revised Civil Statutes of Texas, 1925, as amended, relative to salaries of County Commissioners in certain classes of counties, and declaring an emergency."

H. B. No. 711, A bill to be entitled "An Act amending Article 1477, Penal Code of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, prohibiting the driving of cattle across the Rio Grande from Mexico into Texas or from Texas into Mexico except where a United States Customhouse is maintained or where there is a place of inspection by United States Customhouse officers, or without first having them inspected in accordance with law; and prohibiting the movement of the carcass, or a part of the carcass, of any cow, calf or other animal of the cattle family across said river except where a United States Customhouse or Customhouse inspector is maintained, or without first having said carcass inspected according to law; and declaring an emergency."

H. B. No. 348, A bill to be entitled "An Act authorizing the appointment of two (2) investigators or assistants and the employment of one (1) stenographer for the district attorney of the 106th Judicial District; prescribing qualifications of the investigators or assistants; providing for compensation and expenses of the investigators or assistants; prescribing their duties; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 308, A bill to be entitled "An Act amending Article 912, Penal Code, 1925, repealing all laws

or parts thereof in conflict herewith; and declaring an emergency."

H. B. No. 328, A bill to be entitled "An Act amending Section 5, Article 46A, Title 3, of the Revised Civil Statutes, providing that the petitioner for adoption of a child, and the child to be adopted, if fourteen years of age or over, be required to attend the adoption hearing, and providing an exception for certain members of the Armed Services of the United States of America and declaring an emergency."

H. B. No. 335, A bill to be entitled "An Act amending Subsection (7) of Section 4 of Senate Bill 36, Acts, 46th Legislature, Regular Session, 1939, as amended and re-enacted by House Bill 611, Acts 47th Legislature, Regular Session, 1941, providing for residence requirements for employees of the State Department of Public Welfare; providing a repealing clause, a saving clause, and declaring an emergency."

H. B. No. 438, A bill to be entitled "An Act to repeal Article 6145, Revised Civil Statutes of Texas, 1925, concerning the Texas Historical Board."

H. B. No. 439, A bill to be entitled "An Act to repeal Article 5674, Revised Civil Statutes of Texas, 1925, concerning a cotton board to review matters relating to ginner's licenses and all rules and regulations pertaining to gins, ginning and ginner's, etc.; and declaring an emergency."

H. B. No. 447, A bill to be entitled "An Act to repeal Article 3206, Revised Civil Statutes of Texas, 1925, establishing the Board of Trustees of the Texas School for the Blind."

H. B. No. 451, A bill to be entitled "An Act amending Senate Bill No. 95, Acts 1943, 48th Legislature, Chapter 24, as amended by Senate Bill No. 350, Acts 1943, 48th Legislature, Chapter 314, as amended by House Bill 856, Acts 1945, 49th Legislature, Chapter 266, to provide that within their respective jurisdictions, the State Highway Commission or the governing body of any incorporated city or town, shall have power to lay out, acquire, construct, maintain, and operate any section or portion of any State highway, or city street without their respective jurisdictions, as a freeway under certain circumstances; defining the term

'freeway'; conferring the right to close highways, and streets, to make provisions for carrying any highway, or street, over or under or to a connection with a freeway; providing for the power of condemnation of such property and property rights as may be necessary to carry out the provisions of this Act; providing a saving clause; repealing all laws in conflict; and declaring an emergency."

H. B. No. 472, A bill to be entitled "An Act amending Article 678 of the Revised Civil Statutes of Texas, 1925, so as to authorize the State Board of Control to establish rules and regulations for determining eligibility for interment in the State Cemetery; providing exceptions; and declaring an emergency."

H. B. No. 473, A bill to be entitled "An Act creating and establishing the Capitol Guards as an integral part of the Public Buildings and Grounds Division of the State Board of Control; providing for personnel constituting the same; providing for issuance of commissions; fixing the powers and authority and prescribing the duties of persons holding commissions; providing for uniforms, badges, and carrying side arms; authorizing the promulgation of rules and regulations by the State Board of Control; requiring cooperation of the Texas Department of Public Safety and expressing the intention of the Legislature; providing a savings clause; repealing all laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

H. B. No. 481, A bill to be entitled "An Act authorizing the State Highway Department of Texas to enter into agreements with the Board for Texas State Hospitals and Special Schools and/or the State Youth Development Council for the construction and maintenance of roads within the grounds of institutions under the supervision of the Board and/or the Council; providing a savings clause; and declaring an emergency."

H. B. No. 509, A bill to be entitled "An Act changing the name of the County Court of Cameron County at Law, created by House Bill 91, Chapter 59, Acts of the Fortieth Legislature, First Called Session, 1927, codified as Article 1970-305 of Vernon's Civil Statutes of the State

of Texas, to County Court at Law of Cameron County, providing that all laws heretofore or hereafter enacted by the Legislature applicable or relating to the County Court of Cameron County at Law shall be applicable and relate to the County Court at Law of Cameron County; and declaring an emergency."

H. B. No. 528, A bill to be entitled "An Act providing that the Official Shorthand Reporter for the County Court at Law No. 1, of Bexar County, Texas, and the Official Shorthand Reporter for the County Court at Law No. 2, of Bexar County, Texas, shall each receive an annual salary of five thousand, five hundred (\$5,500) dollars, providing for the manner of payment of said salaries and out of what fund; and creating an emergency."

H. B. No. 535, A bill to be entitled "An Act to authorize and direct the State Comptroller and the State Treasurer to invest Three and One Half Million (\$3,500,000.00) Dollars out of the Confederate Pension Fund, in certain State Warrants on the General Fund, and directing the reimbursement of the Confederate Pension Fund out of the General Fund, as funds are available, and declaring an emergency."

H. B. No. 566, A bill to be entitled "An Act limiting this Act to certain lakes and portions of the Colorado River; providing means by which fish may be taken; restricting the amount of fishing gear that may be used; prohibiting the use of trotlines in certain areas; providing for exceptions in taking rough fish; repealing all laws in conflict herewith; providing penalty for violation of this Act and declaring an emergency."

H. B. No. 671, A bill to be entitled "An Act authorizing the State Youth Development Council to license operators of businesses providing residence, training, instruction, and/or recreational facilities for children below the age of 18 years; providing a fee for such license; authorizing the State Youth Development Council to make rules and regulations for the operation of such businesses; providing for the cancellation of licenses under certain conditions; providing for inspection of such businesses, making certain exceptions, and providing a penalty for violation thereof."

H. B. No. 679, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to reinstate sales of land in Howard County forfeited prior to September 1, 1945, and on which applications have been filed for reinstatement prior to March 15, 1951, and on which there are no intervening rights of a third person; providing that payment of all interest shall be made prior to March 15, 1951; and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act to amend Senate Bill No. 354, Chapter 517, page 842, General and Special Laws, Regular Session, 1941, 47th Legislature, also known and designated as Article 2815g-1a of the Revised Civil Statutes of 1925, pertaining to salaries of the County Board of School Trustees in certain counties; providing that Articles 2815a, 2815b, 2815c, 2815d, 2815e, 2815f, 2815g, and 2815g-1 shall not apply to counties of more than four hundred fifty thousand (450,000) population and less than five hundred fifty thousand (550,000) population according to the last preceding Federal Census; providing that in such counties that members of the County Board of School Trustees of such counties shall receive Five (\$5.00) Dollars per day for their services in attending meetings, inspecting schools and performing the duties imposed by law; providing that such amount shall be paid out of the General Fund of the county; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

#### Senate Bill 141 With House Amendments

Senator Parkhouse called S. B. No. 141 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagon seller
Kelly of Tarrant	Weinert
Lane	

#### Absent

Hazlewood                      Vick

#### Senate Bill 118 With House Amendments

Senator Lock called S. B. No. 118 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Lock moved that the Senate concur in the House amendments.

The motion prevailed.

#### House Bills on First Reading

The following bills, received from the House, were read first time and were referred to the committees indicated:

H. B. No. 521, to Committee on Judicial Districts.

H. B. No. 554, to Committee on Water Rights, Irrigation and Drainage.

H. B. No. 556, to Committee on State Affairs.

H. B. No. 587, to Committee on Criminal Jurisprudence.

H. B. No. 677, to Committee on Counties and County Boundaries.

H. B. No. 685, to Committee on Counties and County Boundaries.

H. B. No. 711, to Committee on Stock and Stock Raising.

H. B. No. 509, to Committee on Counties and County Boundaries.

H. B. No. 308, to Committee on Game and Fish.

H. B. No. 335, to Committee on State Affairs.

H. B. No. 438, to Committee on State Affairs.

H. B. No. 439, to Committee on State Affairs.

H. B. No. 447, to Committee on State Affairs.

H. B. No. 451, to Committee on Towns and City Corporations.

H. B. No. 472, to Committee on State Affairs.

H. B. No. 473, to Committee on State Affairs.

H. B. No. 481, to Committee on State Affairs.

H. B. No. 528, to Committee on Counties and County Boundaries.

H. B. No. 535, to Committee on Finance.

H. B. No. 566, to Committee on Game and Fish.

H. B. No. 671, to Committee on State Affairs.

H. B. No. 679, to Committee on State Affairs.

H. B. No. 694, to Committee on Counties and County Boundaries.

H. B. No. 328, to Committee on Civil Jurisprudence.

H. B. No. 348, to Committee on Counties and County Boundaries.

H. B. No. 366, to Committee on Water Rights, Irrigation and Drainage.

H. B. No. 232, to Committee on Counties and County Boundaries.

H. B. No. 315, to Committee on State Affairs.

H. B. No. 316, to Committee on State Affairs.

H. B. No. 360, to Committee on State Highways and Motor Traffic.

H. B. No. 363, to Committee on State Highways and Motor Traffic.

H. B. No. 373, to Committee on State Highways and Motor Traffic.

H. B. No. 374, to Committee on State Affairs.

H. B. No. 375, to Committee on State Affairs.

H. B. No. 387, to Committee on Public Lands and Land Office.

H. B. No. 411, to Committee on Highways and Motor Traffic.

H. B. No. 436, to Committee on Educational Affairs.

H. B. No. 437, to Committee on State Affairs.

H. B. No. 520, to Committee on Educational Affairs.

#### Reports of Standing Committees

On motion of Senator Bullock, and by unanimous consent, the following report was submitted:

Austin, Texas,  
April 4, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 299, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

On motion of Senator Carter and by unanimous consent, the following report was submitted:

Austin, Texas,  
April 4, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 399, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARTER, Chairman.

#### Bills Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills:

H. B. No. 609, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission of Texas to

enter into cooperative agreements with the United States for the protection and management of wildlife resources on certain National Forest lands in Texas situated in Houston County and to restock and protect same; authorizing the Game, Fish and Oyster Commission to close hunting and fishing therein, to prescribe the number and size of animals and fish to be taken and to provide conditions under which same may be taken; prescribing penalty for violations of rules and regulations promulgated by said Commission and for other purposes and declaring an emergency."

H. B. No. 591, A bill to be entitled "An Act regulating the taking of

fish and minnows from the public waters and streams of Hood County; providing for exemption for minnows taken from a hatchery; defining a 'minnow hatchery'; providing penalty; and declaring an emergency."

H. B. No. 199, A bill to be entitled "An Act regulating the taking of fish in Houston County, Texas, with exception; providing a penalty; repealing all laws in conflict herewith; and declaring an emergency."

#### Adjournment

On motion of Senator Hardeman, the Senate at 5:35 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

**In Memory of**  
**J. Thomas Davis**

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Senator Kelly of Tarrant offered the following resolution:

(Senate Concurrent Resolution 42)

Whereas, On May 5, 1950, God In His Infinite Wisdom called to rest the Honorable J. Thomas Davis, Dean Emeritus of Tarleton State College; and

Whereas, Dean Davis was a native of the State of Georgia, having moved to Texas at the age of fourteen, and received all of his higher education in the State of Texas; and

Whereas, Dean Davis' death culminated an outstanding lifetime of service as one of Texas' most beloved educators evinced by the many honors which he held; and

Whereas, Dean Davis served as the administrative head of John Tarleton Agricultural College from 1919 until 1945 when he was made Dean Emeritus. He was President of Mid-Texas Teachers Association in 1921-22, President of American Association of Junior Colleges in 1928-29, President of Colleges and Secondary Schools in 1935-36, and President of Texas Association of Junior Colleges in 1925; and

Whereas, He was an outstanding citizen, a fine public-spirited civic leader and a devoted public servant evidenced by the fact that he was past President of the West Texas Chamber of Commerce and remained active in that organization until his death; and

Whereas, Dean Davis was prominent enough to be listed in three volumes of Who's Who; Who's Who in America, Who's Who in the World, and Who's Who in Journalism; and

Whereas, The Members of the Fifty-second Legislature of the State of Texas recognize a great loss of leadership in the passing of this distinguished citizen; now, therefore, be it

Resolved, That the Senate, the House of Representatives concurring, extend our heartfelt sympathy and bereavement to the survivors of Dean Davis; that when the Senate adjourns today it do so in tribute to the memory of the late Dean Emeritus J. Thomas Davis, and that a copy of this Resolution be furnished the surviving members of his family.

**KELLY of Tarrant**  
**SHOFNER**

The resolution was read.

On motion of Senator Kelly of Tarrant and by unanimous consent, the resolution was considered immediately and was adopted.